

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

Eric John Mata,

Plaintiff,

v.

Washington State Employment Security
Department ,

Defendants.

Case No. 3:22-cv-5054-TLF

ORDER

This matter comes before the Court on Defendant's motion to stay discovery and continue the deadlines set forth in the pretrial scheduling order. Dkt. 43. Pending before the Court are Defendant's motion for judgment on the pleadings (Dkt. 39) and Plaintiff's motion for leave to amend his complaint (Dkt. 37). The Court finds that Defendant's request is reasonable and that a stay of discovery is warranted pending the Court's consideration of Defendant's motion for judgment on the pleadings and Plaintiff's motion for leave to amend his complaint.

DISCUSSION

The court has broad discretionary powers to control discovery. *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). Upon showing of good cause, the court may deny or limit discovery. Fed. R. Civ. P. 26(c). Among these is the power to stay proceedings, which "is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for

1 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55, (1936) (citing
2 *Kansas City S. Ry. Co. v. United States*, 282 U.S. 760, 763 (1931)).

3 A court may relieve a party of the burdens of discovery while a dispositive motion
4 is pending. *DiMartini v. Ferrin*, 889 F.2d 922 (9th Cir. 1989), amended at 906 F.2d 465
5 (9th Cir. 1990); *Rae v. Union Bank*, 725 F.2d 478 (9th Cir. 1984). The evaluation of
6 whether to issue a stay of discovery may be characterized as a “preliminary peek” at the
7 merits of a potentially dispositive motion to assess the propriety of an order to stay
8 discovery during the underlying motion’s pendency. *See Solida v. U.S. Dep’t of Fish &*
9 *Wildlife*, 288 F.R.D. 500, 503-504 (D. Nev. 2013) (collecting cases). In doing so, the
10 Court considers whether: (1) the pending motion would be potentially dispositive of the
11 entire case or at least dispositive of the issue on which discovery is sought, and (2) the
12 pending potentially dispositive motion can be decided without additional discovery. *Little*
13 *v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988); *Solida v. U.S. Dep’t of Fish &*
14 *Wildlife*, at 506.


15 This “preliminary peek” at the merits is not meant to prejudge the outcome of the
16 motion, which would exceed the scope of the undersigned’s report and recommendation
17 to dismiss. *Solida*, 288 F.R.D. at 506. The court will assess whether a stay of discovery
18 ensures a defendant’s motion is properly addressed and advances “the goals of
19 efficiency for the court and litigants.” *Little*, 863 F.2d at 685.

20 Defendant has moved for judgment on the pleadings, and Plaintiff has moved to
21 amend his complaint. Taken together, the motions may result in either an amended
22 complaint or dismissal of the entire action. Any outcome would be decided without
23 additional discovery at this time.

1 Furthermore, the Court finds a stay would advance the efficiency for the Court
2 and the litigants by avoiding the burden of discovery costs until either Plaintiff amends
3 his complaint or the motion for judgment on the pleadings is resolved.

4 Therefore, Defendant's motion to stay discovery and vacate the remaining
5 pretrial deadlines is granted. The Court will issue an amended pretrial scheduling order
6 at after resolving the remaining pending motions.

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8 Dated this 1st day of February, 2023.

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12 Theresa L. Fricke
13 United States Magistrate Judge
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